

Message Text

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S E C R E T USUN 1598

EXDIS

FROM LOSDEL

FOR: MR. ROBINSON, MR. MAW, MR. LORD, MR. LEIGH AND ASSISTANT
SECRETARIES

FROM: AMBASSADOR LEARSON, MR. OXMAN, AND VADM. MINTER

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: MID-SESSION EVALUATION

1. US DEL HAS SENT UNCLASSIFIED AND CLASSIFIED MID-SESSION
REPORTS SEPTEL. THIS CABLE CONTAINS BRIEF EVALUATION OF
WHERE WE STAND.

2. OVERALL SITUATION. SECRETARY KISSINGER'S APPEARANCE
AND SPEECH HAVE STIMULATED AN INCREASED SENSE OF URGENCY
AND IMPORTANCE, BUT THE AFRICANS AND SOME EUROPEANS REMAIN
DIFFIDENT. THERE SEEMS TO BE A BETTER THAN 50-50 CHANCE
THAT A SECOND SESSION WILL BE CALLED FOR THIS SUMMER, BUT IT
IS NOT YET IN THE BAG.

3. COMMITTEE I. SPURRED BY BRAZIL GROUP AND US
RESPONSIVENESS, WE HAVE A GOOD CHANCE OF WINDING UP
SESSION IN A FAR BETTER POSITION ON THE DEEP SEABEDS THAN
WE STARTED. HOWEVER, THERE WILL BE A MAJOR BATTLE IN THE
77 ON THE COMPROMISE TEXTS, AND WE EXPECT FIERCE
OPPOSITION FROM ALGERIA, TANZANIA AND INDIA. WE HOPE

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THE SECRETARY'S CONVERSATION WITH CHAIRMAN ENGO WILL GIVE

HIM THE STAMINA TO WITHSTAND THE ATTACK. NO RESOLUTION HAS YET BEEN FOUND TO SOVIETS, FRENCH AND JAPANESE PRESSURE FOR A SYSTEM THAT WOULD LIMIT US ACCESS IN FAVOR OF OTHER DEVELOPED STATES.

4. COMMITTEE II. THE PROCEDURES BEING USED IN COMMITTEE II, COUPLED WITH CHAIRMAN AGUILAR'S REFUSAL TO PERMIT INFORMAL MEETINGS WHILE THE COMMITTEE IS MEETING, TEND TO PLACE EVERYONE'S FUTURE IN THIS COMMITTEE IN THE HANDS OF AGUILAR WHEN HE PREPARES HIS REVISED TEXT. IF HE SIMPLY COUNTS HEADS REGARDING AMENDMENTS, HE CAN LEAVE THE TEXT AS IT STANDS, WHICH MEANS WE WILL HAVE SUFFERED NO LOSSES (EG. ON STRAITS) BUT ALSO WILL HAVE MADE NO GAINS (EG., LEGAL STATUS OF THE ECONOMIC ZONE). IF HE TRIES TO CONCILIATE, WE COULD PICK UP SOME POINTS IN SOME PLACES, BUT FACE EROSION IN OTHER PLACES. THE ATMOSPHERE IN COMMITTEE II IS UNEASY BECAUSE OF THE MASSIVE LANDLOCKED/GEOGRAPHICALLY DISADVANTAGED ATTACK DESIGNED TO GAIN THEM ACCESS TO RESOURCES IN THE ECONOMIC ZONE, AND THE SHARP COASTAL STATE REACTION. AN OPTIMISTIC VIEW WOULD BE THAT OUR CONCERNS ABOUT WHAT IS HAPPENING IN COMMITTEE II ARE IN FACT UNJUSTIFIED, AND THAT AGUILAR HAS CAREFULLY ADOPTED A PROCEDURE WHICH PERMITS HIM TO PRESERVE THE BASIC STRUCTURE OF THE COMMITTEE II TEXT AND KEEP DELEGATES BUSY IN COMMITTEE II WHILE NEGOTIATIONS PROCEED IN THE OTHER COMMITTEES.

5. COMMITTEE III. WE THINK A BASIC SOLUTION ON POLLUTION IS WITHIN SIGHT, ALTHOUGH THE CONSERVATIVE EUROPEANS AND THE COASTAL STATES ARE STILL ENGAGED IN TACTICAL MANEUVERING. THE RESULT IS LIKELY TO BE VERY CLOSE TO US POSITIONS, WITH ONE POSSIBLE EXCEPTION REGARDING OUR DESIRE TO PERMIT COASTAL STATES TO ESTABLISH CONSTRUCTION STANDARDS IN THE TERRITORIAL SEA. ON THIS LAST ISSUE, THE CONFERENCE MAY BE MOVING IN CONSERVATIVE MARITIME DIRECTION WHILE THE US MAINTAINS A STRONG COASTALLY-ORIENTED POSITION BECAUSE OF DOMESTIC LEGISLATION. THERE ARE SIGNS THAT THE MARINE SCIENTIFIC RESEARCH NEGOTIATIONS ARE SLOWLY HEADING TOWARD THE KIND OF COMPROMISE OUTLINED IN THE SECRETARY'S SPEECH, BUT
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THERE IS STILL ROUGH SLEDDING AHEAD. COASTAL STATES ARE BECOMING INCREASINGLY OPEN ABOUT FACT THAT CONCERNS OVER SCIENTIFIC RESEARCH IN ECONOMIC ZONE ARE MILITARY: IT WOULD BE VERY DIFFICULT FOR THE US, NOT TO MENTION THE USSR, ALLAY THOSE CONCERNS.

6. DISPUTE SETTLEMENT. THE KEY QUESTION IS WHETHER COMPULSORY DISPUTE SETTLEMENT PROCEDURES WILL APPLY TO THE

ECONOMIC ZONE, AS WE WISH. MOST DEVELOPED STATES AND THE LL/GDS SAY YES, MANY COASTAL STATES SAY NO, AND SOME PARTICULARLY MODERATE LATINS SEE A COMPROMISE IN WHICH THE ECONOMIC ZONE WOULD BE EXCLUDED EXCEPT FOR DISPUTES REGARDING NAVIGATION (PRESUMABLY INCLUDING VESSEL-SOURCE POLLUTION).

7. POLITICAL SITUATION WITH SPECIFIC COUNTRIES. INDIA IS BEING DIFFICULT IN ALL COMMITTEES ON ISSUES OF CONCERN TO THE US, WITH RUMORS FLOATING IN THE CONFERENCE THAT HER REASONS ARE RELATED TO GENERAL US-INDIAN RELATIONS. CANADA IS RESTLESS, AND HAS BEEN UNHELPFUL ON STRAITS, BUT USG APPROVAL OF ARCTIC TEXT TO BE SUBMITTED TO USG NEXT WEEK SHOULD ALTER THIS. WHILE CHINA CONTINUES ITS POLITICAL ATTACKS ON THE SUPERPOWERS, PARTICULARLY THE USSR, THERE IS SOME REASON TO BELIEVE THAT SHE IS NOT INTENT ON WRECKING THE NEGOTIATIONS. RELATIONS WITH THE GROUP OF 5 CONTINUE TO BE GOOD, BUT HAVE BEEN STRAINED BY OUR DIFFERENCES WITH THEM ON THE DEEP SEABED QUOTA ISSUE: IT IS FAIRLY CLEAR THAT ALL EXCEPT FRANCE WANT A CONVENTION THIS YEAR. OUR RELATIONS IN THE OTHER COMMITTEES, ARE EXCELLENT. ISRAEL IS INCREASING ITS PRESSURE ON US ON ISSUES OF IMMEDIATE CONCERN, SINCE IT PERCEIVES THAT THE CONFERENCE IS NOW ENTERING ITS FINAL STAGES.
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